

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

**S.T., et al.,
Plaintiff-Appellants,**

v.

**HOWARD COUNTY
PUBLIC SCHOOL
SYSTEM,**

Defendant-Appellee

Docket No. 15-1031

**PLAINTIFF-APPELLANTS' OBJECTION TO APPELLEES'
REQUEST FOR BILL OF COSTS**

The Appellants S.T., S.J.P.T. and I.T. (hereinafter, "Appellants"), by and through their attorneys, Callegary & Steedman, P.A., do hereby object to Appellees' Bill of Costs. Appellees' Bill should be denied for the reasons that:

1. Appellees have failed to satisfy the requirements of Local Rule 39(a) in filing their bill of costs;
2. Appellees have misrepresented the costs they have actually billed;
3. Issuance of the Bill would violate Local Rule 39(c).

I. ARGUMENTS AND AUTHORITIES

Under Local Rule 39(a) Reproduction Costs, "[t]he cost of producing and binding necessary copies of briefs and appendices in the form required by Fed. R.

App. P. 32 shall be taxable as costs at a rate equal to actual cost, but not higher than 15 cents per page for each copy required for filing and service by Local Rules 30(b)(4) and 31(d) or by order of the Court.”

In this case, Appellees have requested the sum of \$603.10 as costs for 10 copies of their 63 page brief. See Exhibit A, Bill of Costs Form dated January 8, 2016. However, Appellees calculation does not add up. Multiplying 630 pages by 15 cents does not equal \$603.10. It equals \$94.50. Therefore, Appellees’ Bill of Costs is \$508.60 higher than it should be based on the number of copies stated on the form.

Additionally, Appellees overbilled for the number of briefs, as the U.S. Court of Appeals for the Fourth Circuit only requires that Appellees file one (1) paper brief, plus three (3) additional copies if the case is tentatively calendared for oral argument. Local Rule 39(a)’s formula for copy costs taxable in the court of appeals is: “(number of pages) x (number of required filing and service copies) x (\$.15/page).” Appellees’ actual costs for copying of four (4) formal briefs should total no more than \$37.80. Charges for multiple copies of documents, are not allowable under Local Rule 39. Additionally, extra copies for the convenience of counsel are not considered necessary for these purposes and therefore not taxed as costs.

Appellees' claim of the excessive sum of \$603.10 in costs is related to consultation fees, paralegal fees and shipping costs in addition to copying costs. However, most of these costs do not represent allowable costs under Local Rule 39(c), which states that, "[t]he only costs generally taxable in the Court of Appeals are: (1) the docketing fee if the appellant is the prevailing party; and (2) the cost of printing or reproducing briefs and appendices, including exhibits."

Moreover, since Appellees' Bill of Costs Form misrepresents what costs are actually being billed, and the itemized statement of charges that accompanies Appellees' Bill of Costs blatantly ignores the Court's rule regarding allowable costs in the Court of Appeals, all costs sought by Appellees should be denied.

II. CONCLUSION

As Appellees have failed to satisfy the requirements of Local Rule 39, and have misrepresented the costs for which they seek payment, Appellants respectfully requests that the Court refrain from imposing costs in this case.

Date: January 14, 2016

Respectfully submitted,

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CERTIFICATION

I hereby certify that a copy of the foregoing was filed this 14th day of January, 2016, and was served electronically on the parties.

/s/ James Silver
Attorney for Plaintiffs

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT BILL OF COSTS FORM

Directions: Counsel for a prevailing party seeking costs must file this (or like) form within 14 days after entry of judgment. The docketing fee (if the appellant prevails) of \$450 if filed prior to 12/01/13 or \$500 if filed after 12/01/13 and the cost of copying formal briefs and appendices are the only costs taxable in the court of appeals. Local Rule 39(a). Enter costs for any docketing fee paid and any briefs or appendices filed and served in the spaces provided. The number of copies required for filing and service can be found in Local Rules 30(b) & 31(d) and Standing Order 14-01. Any objections to costs must be filed within 14 days (plus 3 days for electronic service) of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Limit on Brief/Appendix Copy Costs: (number of pages) x (number of required filing & service copies) x (\$.15/ page)

Case Number & Caption: S.T.; S.J.P.T.; I.T. v. Howard County Public School System; Renee A. Foose

Prevailing Party Requesting Taxation of Costs: Appellees

Docketing Fee: May be claimed by inserting \$450 or \$500 at right (\$5 filing fee must be claimed in district court)				Charge:
Brief filed on: <u>06/01/15'</u>	No. of Pages: <u>63</u>	x No. of Copies: <u>10</u>	x \$.15/page	Charge: <u>603.10</u>
Brief filed on: _____	No. of Pages: _____	x No. of Copies: _____	x \$.15/page	Charge: _____
Brief filed on: _____	No. of Pages: _____	x No. of Copies: _____	x \$.15/page	Charge: _____
Brief filed on: _____	No. of Pages: _____	x No. of Copies: _____	x \$.15/page	Charge: _____
Appendix filed on: _____	No. of Pages: _____	x No. of Copies: _____	x \$.15/page	Charge: _____
Appendix filed on: _____	No. of Pages: _____	x No. of Copies: _____	x \$.15/page	Charge: _____
TOTAL AMOUNT CLAIMED IN BILL OF COSTS				\$603.10

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 or other statutory authority permits an award of costs in this case.
3. I declare under penalty of perjury that the foregoing costs are true and correct and were necessarily incurred in this action.

Signature: _____

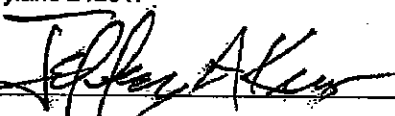
Date: 01/08/16

Certificate of Service

I certify that on this date I served this document as follows:

Electronically filed this document using the CM/ECF System, which will send notice of filing to Wayne D. Steedman, Esquire, Callegary and Steedman, P.A., 201 N. Charles St., Ste. 1402, Baltimore, Maryland 21201.

Signature: _____

Date: 01/08/16

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CONTRACTING ATTORNEY

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RECORD NUMBER AND STYLE

15-1031
S.T.; S.J.P.T.; I.T.
v.
Howard County Public School
System, et al.

TERMS	LEX REP	FILING DATE
Net 30/2	JA/SP	6/1/2015

DESCRIPTION	QUANTITY	RATE	AMOUNT
Consultation/Base Fee/4th Circuit		175.00	175.00
Brief of Appellees per page fee/4th Circuit (10 copies of 63 pages = 630)	630	0.35	220.50
Paralegal Fee (Format Brief/Compose TOC & TOA)	1	200.00	200.00
Federal Express/UPS		7.64	7.64
Net 30/1.5% monthly late fee/Federal Tax ID 11-3707249		Total	\$603.14

We accept Visa, MasterCard, Discover and American Express.

Balance Due \$603.14